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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,002	10/23/2000	Nobutaka Miyake	862.C2033	9319

7590 07/24/2003

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EXAMINER

CHOOBIN, BARRY

ART UNIT	PAPER NUMBER
2625	6

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/694,002	MIYAKE, NOBUTAKA
	<b>Examiner</b>	<b>Art Unit</b>
	Barry Chooбин	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1,6 and 8-15 is/are rejected.  
 7) Claim(s) 2-5 and 7 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.  
 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.  
 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.<br> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,4</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on January 3, 2001 and March 21, 2002 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakatani et al (US Patent 4,524,315) and Tanaka et al (US 4,068,934) incorporated in Nakatani et al.

As to claims 1, 13 and 14, Nakatani et al disclose an image processing apparatus comprising: input means for inputting image information (column 2, lines 46-50); determination means for determining whether an input image contains a mark indicative of a specific image (column 1, lines 30 – 48);

setting means for setting allowable time necessary for the determination to be made by said determination means (column 1, lines 36 – 48); and control means for terminating determination processing by said determination means in a case where it cannot be determined whether the input image contains the mark indicative of a specific image within the allowable time set by said setting means (column 1, lines 36 – 48).

As to claims 6 and 12, Nakatani et al disclose output means for outputting the image, which has been input by said input means, to printing means;

wherein said output means outputs the input image in a case where the mark indicative of a specific image is not detected in the input image within the allowable time (column 2, lines 1-5).

As to claim 8, Nakatani et al disclose output by said output means is, suspended in a case where said determination means determines that the mark indicative of a specific image is contained in the input image (column 1, lines 30-48).

As to claim 9, Nakatani et al disclose the allowable time is dynamically variable (column 1, lines 30-48).

As to claim 10, Nakatani et al disclose the mark indicative of a specific image includes a watermark (column 1, lines 30-48).

As to claims 11 and 15, Tanaka et al disclose a host computer incorporating the image processing apparatus set forth in claim 1 (column 1, lines 47-64).

***Allowable Subject Matter***

4. Claims 2-5, 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A: US 2002/0018228 to Torigoe.

B: US 5,130,805 to Rikima.

C: US 6,181,432 to Furuya.

D: US 6,152,365 to Kolls.

E: US 4,809,198 to Terashita.

F: US 5,018,213 to Sikes.

G: US 6,135,355 to Han et al.

H: US 5,875,034 to Shintani et al.

J: US 6,160,609 to Inoue.

K: US 6,188,468 to Miyajima.

***CONTACT INFORMATION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry choobin

July 21, 2003



BHAVESH M. MEHTA  
SUPERVISORY PATENT EXAMINER  
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